

IN RE: PETITION FOR ZONING VARIANCE
S/S Pleasant Grove Road, 700' E of Old Hanover Road
(4923 Pleasant Grove Road)
4th Election District
3rd Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-37-A

Michael A. Sichel, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 11 feet in lieu of the required 35 feet for a proposed deck in accordance with Petitioner's Exhibit 2.

The Petitioners, by Michael Sichel, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 4923 Pleasant Grove Road, consists of .2918 acres more or less zoned R.C. 2 and is improved with a single family dwelling. Petitioners are desirous of constructing a 16' x 20' open deck onto the southwest side of the existing dwelling off the kitchen. Mr. Sichel testified he intends to eventually convert the proposed deck to a screened porch. Testimony indicated that due to the location of the dwelling on the lot, the proposed deck would be located 11 feet from the side property line in lieu of the required 35 feet. Petitioner testified there is no access to the rear of the property from the kitchen and that the potential use of the proposed deck as a screened porch will provide additional habitable space. Testimony indicated the variance requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner

the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of November, 1989 that the Petition for Zoning Variance to permit a side yard setback of 11 feet in lieu of the required 35 feet for a proposed deck in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

JRH:bjs

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

November 15, 1989

Mr. & Mrs. Michael A. Sichel
4923 Pleasant Grove Road
Reisterstown, Maryland 21136

RE: PETITION FOR ZONING VARIANCE
S/S Pleasant Grove Road, 700' E of Old Hanover Road
(4923 Pleasant Grove Road)
4th Election District - 3rd Councilmanic District
Michael A. Sichel, et ux - Petitioners
Case No. 90-37-A

Dear Mr. & Mrs. Sichel:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event an appeal is filed, the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel
File

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Townson, Maryland

District: 4th Date of Posting: July 17, 1989
Posted for: Variance
Petitioner: Michael A. Sichel, et ux
Location of property: S/S Pleasant Grove Road, 700' E of Old Hanover Road, 4923 Pleasant Grove Road
Location of Signs: In front of 4923 Pleasant Grove Road
Remarks: S.J. Rute
Posted by: S.J. Rute Date of return: July 23, 1989
Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

September 22, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-37-A
S/S Pleasant Grove Road, 700' E of Old Hanover Road
4923 Pleasant Grove Road
4th Election District - 3rd Councilmanic
Petitioner(s): Michael A. Sichel, et ux
HEARING: TUESDAY, NOVEMBER 7, 1989 at 2:00 p.m.

Variance: To permit a side yard setback of 11 ft. in lieu of the required setback of 35 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

DATE: 7/24/89

Mr. & Mrs. Michael A. Sichel
4923 Pleasant Grove Road
Reisterstown, Maryland 21136

Re: Petition for Zoning Variance
CASE NUMBER: 90-37-A
S/S Pleasant Grove Road, 700' E of Old Hanover Road
4923 Pleasant Grove Road
4th Election District - 3rd Councilmanic
Petitioner(s): Michael A. Sichel, et ux
HEARING SCHEDULED: TUESDAY, AUGUST 8, 1989 at 2:00 p.m.

Dear Petitioners:

Please be advised that \$25.00 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and this certificate to the hearing.

Baltimore County, Maryland OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT		No. 074657
DATE: 8/1/89	ACCOUNT: 80161000	Amount: \$ 25.00
RECEIVED FROM: Michael A. Sichel et ux		
FOR: B 102*****84031a 3064F		
VALIDATION OR SIGNATURE OF CASHIER		
B 102*****25000a 3064F		
Please make checks payable to: Baltimore County		
Cashier Validation: B 102*****25001a 3064F		

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Townson, Maryland

District: 4th Date of Posting: 10-18-89
Posted for: Variance
Petitioner: Michael A. Sichel, et ux
Location of property: S/S of Pleasant Grove Road, 700' E of Old Hanover Road, 4923 Pleasant Grove Road
Location of Signs: In front of 4923 Pleasant Grove Road
Remarks: S.J. Rute
Posted by: S.J. Rute Date of return: 10-20-89
Number of Signs: 1

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1401.3, B.3, A.B.F.A. Regulations, to permit a side yard setback of 11' in lieu of the required side yard setback of 35'.

1. THERE IS NO MEANS OF EGRESS FROM THE KITCHEN TO THE OUTSIDE. CODE SETBACK PREVENTS THIS SECOND EGRESS.
2. THIS PROPERTY IS LESS THAN 1 ACRE AS ARE MANY OTHER EXISTING RESIDENCES IN THIS AREA. ALL RESIDENCES IN THIS AREA ARE ON PRIVATE SOFTLAND WITH A R.C. 2 ZONING AS IT WAS SUBMITTED INTO LOT NUMBER 1405 PRIOR TO ADOPTION OF THIS LAW.
3. THE REQUESTED VARIANCE WILL NOT BE A BURDEN TO THE ADJACENT PROPERTY AS PRESCRIBED BY ZONING REGULATIONS.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
MICHAEL A. SICHEL
(Type or Print Name)
Signature: *Michael A. Sichel*
SULANNE M. SICHEL
(Type or Print Name)
Signature: *Susanne M. Sichel*

4923 PLEASANT GROVE RD. 4923-8994
Address Phone No.

REISTERSTOWN, MD 21136
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

Phone No.

Attorney's Telephone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 31st day

of May 1989, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through

out Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the 8th day of August, 1989, at 2 o'clock

P.M.

Estimated Length of Hearing: -1/2HR. +1HR. (over)

AVAILABLE FOR HEARING: MON./TUES. - NEXT TWO MONTHS

ALL REVIEWED BY: JRH DATE: 5/11/89

Est. time of Continuation Hearing - 15min. available any time 9/1/89

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 21, 1989

THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper printed

and published in Towson, Baltimore County, Md., appearing on

July 20, 1989.

THE JEFFERSONIAN,

Publisher

PO 13728
NY 131024
CS 90-37-A
price \$7.43

